

REMARKS

The Examiner of this application, Mr. Leonard Leo, is thanked for the courtesies extended to the undersigned during the personal interview conducted September 15, 1998. During the interview, the claimed invention was discussed in view of the prior art, and proposed amendments were discussed. The following reflects and expands upon the interview discussions.

The indication of allowability of claim 16 is gratefully acknowledged.

Responsive to the rejection of claims 15-16 and 19 under 35 U.S.C. 112, second paragraph, claims 15 and 19 have been amended to address and overcome the antecedent basis issues helpfully pointed out by the Examiner in the Office Action.

Reconsideration of the rejection of claims 1-8 and 10-22 (understood to be 1-8, 10-15 and 17-22 in view of the indicated allowability of claim 16) under 35 U.S.C. 103(a) as being unpatentable over Herish (US 1,182,271) in view of Behr (German 94 06 197) is respectfully requested, in view of the following remarks, including a discussion of claim language considered to patentably distinguish the present invention.

Herish relates to a process of making a coolant radiator for a vehicle. First, the tubes 5 and casing 3 are temporarily assembled in position with a pair of slotted or grooved metal plates 1. In a hot water bath, a mass of low fusing metal 6

(e.g. solder) is run into the bath for engagement with the ends of the tubes. The whole structure is immersed in an electroplating bath for the deposition of a thin copper shell 9 over the bridging portions of the low fusing metal 6 and in contact with the ends of the tubes. Then, the low fusing metal 6 is melted and discharged from the outer shell or casing 3.

In contrast to the relatively complex, expensive, and time-consuming process of Hersh, the instant invention utilizes preformed latticed tube bottoms, in which ends of the tubes are arranged. Claims 1, 20 and 22 have been amended to clarify this feature, which is neither disclosed nor suggested by the hypothetical combination of Hersh and German 94 06 197.

Furthermore, in contrast to the process of Hersh, in the instant invention a weld joint is formed between the preformed latticed tube bottoms and the ends of the tubes. Claims 1, 20 and 22 have been amended to clarify this feature, which is neither disclosed nor suggested by the hypothetical combination of Hersh and German 94 06 197.

In addition, Hersh is clearly directed to cooling a liquid with air (see pg. 1, lines 8-15). In contrast, the instantly claimed invention is directed to cooling exhaust gas with a liquid coolant. Claims 1, 20 and 22 have been amended to clarify that the tubes are communicated with an exhaust pipe communicating with the exhaust gas from the internal-combustion

engine. It is respectfully submitted that one of ordinary skill in the art would not have found any disclosure, suggestion, or motivation to attempt to use the radiator of Hersh to cool an exhaust gas of an internal-combustion engine.

In view of the above, it is clear that the hypothetical combination of Hersh and German 94 06 197 fails to disclose or suggest the combinations of features set forth in instant claims 1, 20 and 22. Accordingly, reconsideration and withdrawal of this rejection are in order and are earnestly solicited.

Reconsideration of the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Hersh in view of German 94 06 197 and further in view of Kun et al. is respectfully requested. Kun et al. fails to cure the above-discussed deficiencies of Hersh and DE 94 06 197. Accordingly, reconsideration and withdrawal of this rejection are in order and are earnestly solicited.

In the claims, the term "flange plates" has been changed to --connections--, in order to avoid an argument that the term "flange plates" required a particular configuration, since that is not intended or necessary.

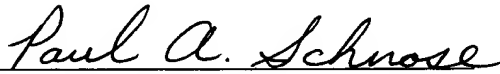
In light of the foregoing remarks, it is respectfully submitted that this application is in condition for allowance, and prompt passage of this case to issue is respectfully requested. However, if there are any questions or outstanding

issues which could be resolved by telephone, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #027/43042).

Respectfully submitted,

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Paul A. Schnose
Registration No. 39,361

EVENSON, McKEOWN, EDWARDS
& LENAHAAN, P.L.L.C.
1200 G Street, N.W., Suite 700
Washington, DC 20005
Telephone No.: (202) 628-8800
Facsimile No.: (202) 628-8844